



# TREC Advisor

Texas Real Estate Commission ★ Volume 12, Number 1 ★ March 2001

## COMMISSIONERS SELECT NEW OFFICERS FOR 2001



**Kay Sutton**  
Vice-Chair



**James N. Austin, Jr.**  
Secretary

At its meeting on February 26th, the Texas Real Estate Commission elected a new Vice-Chair and Secretary for a one year term. While the Governor names the Chairman of the Commission, the nine members are required to elect the other officers in February of each year.

Selected as Vice-Chair was Kay Sutton of Midland. Commissioner Sutton is owner and principal broker of Century 21-Kay Sutton, Inc. Realtors and has served on the Commission since 1997 as an appointee of Governor George W. Bush. She is a member of the National and Texas Associations of Realtors and previously served as Secretary of the Commission.

The new Secretary is James N. Austin, Jr., a broker member from Fort

Worth who was appointed to the Commission by Governor Bush in 1999. Commissioner Austin is president of the Austin Company, a commercial real estate firm in Fort Worth. He serves on the board of directors of the Boys & Girls Club of Greater Fort Worth, Women's Haven of Tarrant County, North Texas Public Broadcasting, and the Crime Prevention Resource Center. In addition, he is the founder of the Renaissance Cultural Center in Fort Worth. A graduate of Howard University in Washington, D.C., he has more than seventeen years experience in commercial real estate.

Continuing as Chairman of the Commission is Mike Brodie of Plano. Completing her term as Vice-Chair was Commissioner Chris Folmer of El Paso.

## INSPECTORS NAMED TO TEXAS REAL ESTATE INSPECTOR COMMITTEE

The Texas Real Estate Commission appointed three new members to the Texas Real Estate Inspector Committee and reappointed one member at its meeting on February 26, 2001. The committee is composed of nine professional inspectors licensed for a minimum of five years, each of whom is appointed for a six-year term and no more than three of whom may hold a real estate license. This statutorily established committee recommends to the Texas Real Estate Commission possible changes in rules and procedures relating to the licensing and regulation of real estate inspectors.

Named to six year terms expiring on January 31, 2007 were Shavauna Morgenroth-Hardin, John L. Cahill, and T. J. Rowles, while Allan MacGillivray was reappointed to complete an unexpired term ending on January 31, 2003.

Shavauna Morgenroth-Hardin is owner of Precise Home Inspections, The Woodlands, and has been active in the Texas Association of Real Estate Inspectors (TAREI) and the Texas Association of Builders for several years. She is a graduate of Sam Houston State University and has worked in various facets of the

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# THE MISSION of the Texas Real Estate Commission

is to assist and protect consumers of real estate services, and foster economic growth in Texas. Through its programs of education, licensing and industry regulation, the Commission ensures the availability of capable and honest real estate service providers.

## TEXAS REAL ESTATE COMMISSION

# Meeting Highlights



January 8, 2001

Official publication of the  
**Texas Real Estate Commission**  
Volume 12, Number 1  
March 2001

**Rick Perry**  
Governor

### Commission Members:

**C. Michael Brodie**  
Chairman  
Broker member

**Kay Sutton**  
Vice-Chair  
Broker member

**James N. Austin, Jr.**  
Secretary  
Broker member

**Jay C. Brummett**  
Broker member

**Ramon "Mick" Cantu**  
Public member

**Chris T. Folmer**  
Broker member

**Maria Gil**  
Public member

**Lawrence D. Jokl**  
Broker member

**Deanna Mayfield**  
Public member

TREC Administrator  
**Wayne Thorburn**

Desktop Publisher  
**Patricia Holder**

The TRECAdvisor (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to licensees in the state of Texas. The purpose of the newsletter is to promote a better understanding of the Real Estate License Act and to inform all licensees of changes affecting laws and practices in the real estate industry. The TRECAdvisor is funded through legislative appropriations and subscriptions collected from TREC licensees. The official text of TREC rules is filed with the Office of the Secretary of State, Texas Register. TREC encourages reproduction of this newsletter with the appropriate acknowledgments. Subscriptions are available for \$4.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to TRECAdvisor, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. For information regarding TREC, contact:

**Texas Real Estate Commission**  
P.O. Box 12188  
Austin, Texas 78711-2188  
(512) 459-6544 or (800) 250-TREC  
<http://www.trec.state.tx.us>



At its meeting on January 8, 2001, the Texas Real Estate Commission adopted three new standard contract addenda with an effective date of April 1, 2001 (see separate article this issue). The Commission also proposed revisions of the rules concerning residential service companies and time-share developers, with final action to be taken at the April 23rd meeting. An amendment that would have created a waiting period of three days from time of enrollment to completion for all correspondence courses was withdrawn, but a limit of 10 hours per calendar day was placed on all continuing education courses.

The Commission received a report from Assistant Administrator Sabrina Hassumani on a series of staff training sessions and the redesign of the TREC web site. As of December 31, 2000, approximately 500 licensees had renewed on line. Information Services Director Glen Bridge announced that a disciplinary search function and an instructor search function had been placed on TREC's web site.

There was a discussion on the number of cases in the Enforcement Division involving a failure to provide information on license applications and renewals. Enforcement Director Loretta DeHay reported that the average number of cases opened each month was 250 with an average of 80 days to close a case. At any one time, the Enforcement Division has 650-700 cases open.

A new consumer brochure, "Home Ownership and Property Investments: A Guide for Buyers and Sellers of Real Estate in Texas," is now available to licensees and the public. A new video, produced in conjunction with the Real Estate Center, concerning the failure to renew a license, should be distributed this Spring.

Chairman Mike Brodie appointed a committee of Commissioners Sutton, Cantu and Jokl to review applications for appointments to the Texas Real Estate Inspector Committee and make

recommendations at the February 26th meeting. After a discussion of TREC policy concerning disciplinary actions in response to the sharing of commissions with unlicensed persons, Commissioner Jokl, seconded by Commissioner Sutton, moved that the Commission discuss and review such policies and procedures at the February meeting.

Three payments were authorized from the recovery funds and the Commission granted probation in the matter of one licensee on an appeal of a suspension by the hearings examiner.

February 26, 2001

Vice-Chair Chris Folmer presided as Chairman Mike Brodie was called to meetings of House and Senate committees during the early part of the Commission meeting. Members elected Kay Sutton as Vice-Chair and James N. Austin, Jr. as Secretary for a term ending in February 2002. The Commission also appointed John L. Cahill, Shavauna Morgenroth-Hardin, and T. J. Rowles to six year terms on the Texas Real Estate Inspector Committee and reappointed Allan MacGillivray to the remaining two years of an unexpired term (see separate articles this issue).

There was a general discussion on policy and procedures concerning former licensees who practice with an expired license and the sharing of commissions with such unlicensed persons. After much discussion of various alternatives to the present policy, the staff was asked to develop a plan to notify brokers when a sponsored salesperson fails to timely renew a license. The issue of possible penalties for sharing commissions with unlicensed persons and the policy for dealing with an individual who has failed to renew will be placed on the April meeting agenda.

On appeal to the Commission, a probationary license was granted to one individual whose late renewal application had been disapproved by the hearings officer. One payment was approved from the Texas Real Estate Recovery Fund. The Commission's next meeting will be held in Austin on Monday, April 23, 2001.



## FIRST COMES EVALUATION..... THEN COMES THE APPLICATION

There's a new two-step process for individuals wishing to obtain a Texas real estate license. In order to allow electronic filing of original applications in the future, a new rule was adopted last year to separate the education evaluation and application process. Now, you must first submit a Request for Evaluation of Education Documents. This form, along with a \$15 fee and **copies** of all transcripts or course certificates (do **not** submit originals), will allow TREC to determine if you have met all educational requirements. Individuals will receive a report back from TREC indicating either any additional courses required or verifying that all educational requirements have been met.

Once all required courses have been completed, an individual can send back a copy of the approval letter along with the formal application for a salesperson or broker license and be ready to take the appropriate examination.

So, remember that you must submit an education evaluation request first, obtain the requisite approval from TREC, and then proceed to file an application. TREC will reject any education evaluation requests that are filed with an application. If you have further questions about this process, please consult the Licensing section on our web site or write to Licensing at our Austin mailing address.



Texas Real Estate Commission  
P.O. Box 12188  
Austin, Texas 78711-2188

REQUEST FOR:  
EVALUATION OF EDUCATION DOCUMENTS

FEE	REGISTER NUMBER	AMOUNT	\$ TYPE
Evaluation		\$15.00	

DO NOT WRITE ABOVE THIS LINE  
NOTE: ALL INFORMATION MUST BE TYPED OR PRINTED IN INK

Before completing this form see important information on the reverse.

1. Full Name (last, First, Middle)	
2. License Number (if previously licensed by)	
3. Social Security	
<small>Note: Section 231-302 of the Texas Family Code REQUIRES all applicants to disclose their Social Security Numbers (SSN) when filing an application. The SSN will be confidential and is required to enforce Child Support orders. Failure to provide SSN will prevent a license from being issued and could ultimately lead to termination of the application.</small>	
4. Mailing Address (include complete address to which the results of the evaluation should be mailed)	
5. Telephone (include area code)	
6. Evaluate my education for (mark ONE only)	
<input type="checkbox"/> Salesperson licensure	<input type="checkbox"/> Broker licensure
7. Evaluation bases on: (mark if applicable)	
<input type="checkbox"/> A previous Texas real estate license	<input type="checkbox"/> An out of state broker license

Evaluation will be based on current statute requirements, TREC rules and evaluation policies.

Request for Evaluation of Education Documents (Revised 08/2000) (TREC Fax Document # 77000019)

### RENEW YOUR BROKER OR SALESPERSON LICENSE ONLINE

*Did you know that TREC has been accepting renewals online since August, 2000?*

If you have received a renewal notice and would like to renew your broker or salesperson license from your home or office PC, please visit [www.trec.state.tx.us](http://www.trec.state.tx.us)

The benefits of renewing online include:

- Paying by credit card (Mastercard/Visa/Discover)
- Receiving instantaneous electronic confirmation of a successful renewal
- 24-hour/7-days-a-week access

Note: there is a \$12 and \$4 convenience fee for brokers and salespersons respectively. TREC does not receive this fee; it is sent directly to the credit card processor for maintenance charges associated with the payment portal used to handle the state's electronic transactions.





## The Consequences of Using Unlicensed Associates

All licensees should know the significant sanctions in the law against the unauthorized practice of real estate brokerage. In addition to TREC disciplinary action such as a monetary administrative penalty or the suspension or revocation of a broker's license for paying fees to an unlicensed associate, the law contains additional measures intended to discourage the unauthorized practice of real estate.

In 1999, the Texas Legislature upgraded the criminal offense of practicing without a license to a Class A misdemeanor, punishable by up to a \$4,000 fine and up to one year of confinement. Previously, the maximum fine for the first offense had been \$500.

The failure to maintain an active license can also create civil liability. Section 19 (b) of The Real Estate License Act (TRELA) permits an aggrieved person to recover up to three times the amount of money received by the defendant as a consequence of unlicensed activity. This provision could permit a seller to sue the listing broker for any commissions paid to the broker based on the efforts of a salesperson whose license had expired or who had never been licensed. Moreover, the State of Texas may recover a civil penalty of up to three times the amount of money received by a person in consequence of a violation of the law by an unlicensed person.

There are also problems for the broker who has to collect his or her commission in court. Section 20(a) of TRELA requires a person bringing a suit to collect a fee from a buyer or seller to prove that the person performing the brokerage services was a duly licensed broker or salesperson at the time the services were performed. A buyer or seller being sued by a broker for work performed by the broker's unlicensed associate could thus have the suit dismissed and avoid the commission.

Most brokers know they are statutorily responsible to the public for the acts of their licensed salespersons. Fewer realize that civil liability also exists under the Real Estate Recovery Fund in Section 8 of TRELA for the acts of a broker's unlicensed employee or agent. Because a

judgment against a person who was unlicensed at the time of the transaction cannot be paid from the fund, a consumer is strongly motivated to sue the licensed broker **rather** than the unlicensed salesperson. If a judgment is paid from the fund, the defendant's license typically is revoked unless the fund has been repaid.

To assist licensees in complying with the law, TREC has long sent license renewal notices 90 days before the licenses expire and printed licenses and pocket identification cards showing when the licenses expire. More recently, licensees have been able to access license information 24 hours a day on the TREC web site. TREC now has begun notifying brokers when the license of one of their salespersons expires. TREC encourages all licensees engaged in brokerage activities to make it a regular practice to determine that they and their associates are currently licensed in an active status.

### REAL ESTATE EDUCATORS HOLD 25TH ANNIVERSARY CONFERENCE

The Texas Real Estate Teachers Association (TRETA) will hold its annual conference at the Hyatt Regency Austin on Town Lake on April 19-21, 2001. The conference will bring together a number of outstanding speakers and panelists, provide an opportunity to network with other educators and education providers, and visit with state officials while in Austin. Further information on *TRETA 2001: An Education Odyssey* can be obtained from the association's web site at [www.treta.org](http://www.treta.org) or by contacting the program chairman, Rick Knowles, at 512-451-9883.

### Got A Question About A Relocation Company?

Through a link maintained on the TREC web site, licensees may directly access The Real Estate Coalition for Cooperative Business Practices (the Coalition) of the Employee Relocation Council. By clicking on "The Interchange" on the Coalition's website at

**<http://coalition.erc.org>**

Licensees may raise concerns about their dealings with a relocation company and send a message to the appropriate company for response.

## Power of Attorney

A power of attorney is "an instrument authorizing another to act as one's agent or attorney." A valid power of attorney is necessary anytime anyone is acting as one's agent by signing a legally binding contract or making legal decisions on behalf of another. The issue comes up often in real estate transactions or closing documents, and licensees may risk disciplinary action if they are aware of a situation where a written power of attorney is required and not present.

A common misconception regarding power of attorney involves relatives. A parent, child or spouse cannot sign a real estate contract for someone else without a written power of attorney. For example, a son and mother sign an offer to sell their homestead because the father is out of the country on a business trip. The licensee knows that the son does not have a power of attorney from the father, but doesn't say anything because the father will be back in the country by the date of closing. Buyers think they have a valid, effective contract to buy the home. Father comes home, changes his mind, and what once was thought to be a valid executed contract is now a legal can of worms. The buyers who have already sold their house and are ready to close will not be happy with the outcome. In this type of situation, if the licensee represents the sellers, the licensee should make sure that father has executed a power of attorney authorizing the son to make legal decisions on his behalf. Other-

wise, the licensee could risk disciplinary action for negligent behavior if the licensee knew or should have known that the son had no written authority to act for the father. The licensee also risks civil liability to the buyers if they decide to take legal action.

In the absence of a valid power of attorney, a contract or other legal document signed by a licensee on behalf of a client may be unenforceable. That means that a licensee should never sign a client's name, initial a counteroffer, or make verbal offers or counter offers without written authorization from the client, preferably in the form of a power of attorney. This issue is often raised in connection with a complaint filed against a licensee. The licensee's defense is "my client told me I could make all decisions for him." The client who is now the complainant will often say, "I told him he didn't have to submit offers below the listing price, but I didn't tell him he could bind me to a contract." Without a written power of attorney to support the licensee's assertions, the licensee should never have made any legally binding decisions for the client.

If these or other similar situations arise and a power of attorney is required, a licensee should advise the client to speak to an attorney to make sure that the document authorizing the person to act is prepared according to the requirements of the law.



### ***e-Mail Moves The Message.....***

If you've been having trouble reaching TREC on our toll-free line, we apologize. Unfortunately, we have been inundated with telephone calls recently and we do not have the ability to add more toll-free lines and staff to answer them. Many times your question can be answered by accessing the TREC web site at [www.trec.state.tx.us](http://www.trec.state.tx.us). Our site has a wealth of information useful to licensees. Individuals who have access to electronic mail may wish to contact us by e-mail. Our staff is committed to acknowledging all e-mail messages within 24 hours. If you have a question for which you cannot find an answer on our web site, let us know exactly what it is and we will provide a detailed response by e-mail. Here's how to contact the appropriate staff with your questions:

<b>General Administration:</b>	<b><i>administration@trec.state.tx.us</i></b>
<b>Legal questions:</b>	<b><i>legal@trec.state.tx.us</i></b>
<b>Enforcement questions:</b>	<b><i>enforcement@trec.state.tx.us</i></b>
<b>Licensing and Renewals:</b>	<b><i>licensing@trec.state.tx.us</i></b>
<b>Education matters:</b>	<b><i>education@trec.state.tx.us</i></b>
<b>Web site questions:</b>	<b><i>webmaster@trec.state.tx.us</i></b>

*e-mail is the most efficient and effective way to get a message to the key person who can provide an answer to your questions at the Texas Real Estate Commission. We encourage you to try it when you cannot get through on the telephone lines.*



# Disciplinary Actions

## November 2000-February 2001

**Karns, Mary P.**  
(Dallas); license# 342462

Agreed reprimand of salesperson license, entered November 3, 2000; Agreed administrative penalty of \$200.00, entered November 3, 2000; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Corby, Carrie Sue**  
(San Marcos); license# 429495

Agreed 3 month suspension of salesperson license, fully probated for 6 months, effective November 1, 2000; acting negligently or incompetently by using the Information About Brokerage Services form incorrectly and preparing an exhibit to a lease that attempted to define the legal rights of the parties regarding a lease/purchase in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Acevedo, Robert**  
(Levelland); license# 392732

Revocation of salesperson license, effective November 6, 2000; failing within a reasonable time to make good a check issued to the Commission and to pay the processing fee, in violation of Section 15(a)(4) of The Real Estate License Act and 22 TAC Section 534.2 (b) of the Rules of the Texas Real Estate Commission

**Elliott, Harold Richard**  
(Austin); license# 185389

Revocation of broker license, effective November 13, 2000; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of his real estate broker license, in violation of TAC 535.91(a) of the Rules of the Texas Real Estate Commission

**Simpson, Carlton Skinner**  
(San Antonio); license# 279701

Revocation of broker license, fully probated until February 29, 2004, effective November 13, 2000; payment of \$21,993.89 made by the Texas Real Estate Commission from the Real Estate Recovery Fund toward satisfaction of a judgment against Carlton Skinner Simpson, in violation of Section 8(i) of The Real Estate License Act with repayment to the Recovery Fund by the broker

**Nace, Diona Lynne**  
(Fort Worth); license# 466149

Revocation of salesperson license, effective November 20, 2000; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC 535.91(a) of the Rules of the Texas Real Estate Commission

**Garrison, Mary Nell**  
(Austin); license# 109718

Agreed reprimand of broker license, entered November 21, 2000; Agreed administrative penalty of \$8,400.00, entered November 21, 2000; continuing to divide commissions and fees with and associate with a salesperson whose license had expired, in violation of Sections 15(a)(6)(F) and 15(a)(6)(S) of The Real Estate License Act

**Maranon, Sonia Rios**  
(San Antonio); license# 447925

Revocation of salesperson license, effective November 30, 2000; misrepresenting to the owner that the current tenant wanted to vacate so she could lease the property, in violation of

Section 15(a)(3) of The Real Estate License Act

**Tisdale, Charles Edward**  
(Dallas); license# 127860

Agreed 12 month suspension of broker license, fully probated for 18 months, effective December 1, 2000; Agreed administrative penalty of \$1,000, entered December 1, 2000; associating and sharing commissions with an unlicensed person who showed properties, prepared written offers, negotiated sales contracts, and generated sales commissions, in violation of Sections 15(a)(6)(F), 15(a)(6)(W)(S), and 15(a)(6)(W); allowing salespersons under his sponsorship to represent both the buyer and seller in the same transaction without resolving the resulting conflict of interest either by the formation of an intermediary relationship or by dual agency, in violation of Sections 15(a)(6)(D) and 15(a)(6)(W); failure of a salesperson under his sponsorship to provide the buyer with the written disclosures required by Section 15C(d); and failure of salesperson under his sponsorship to assist in obtaining the refund of the client buyer's earnest money from the title company for more than nine months, in violation Section 15(a)(6)(W) of The Real Estate License Act

**Watts, James C.**  
(Dallas); license# 121947

Agreed 3 month suspension of salesperson license, fully probated for 6 months, effective December 1, 2000; Agreed administrative penalty of \$500, entered December 1, 2000; failing to provide a buyer with the written disclosures, in violation of Section 15C(d); failing to make clear to the buyer and seller which party he was acting for, in violation of Section 15(a)(6)(D); failing to assist in obtaining the refund of the client buyer's earnest money from the title company for more than nine months, in violation of Section 15(a)(6)(W); and associating with an unlicensed person who acted as a real estate agent and representing to his client that this person was a licensed real estate just like himself, in violation of Sections 15(a)(6)(S) and 15(a)(6)(W) of The Real Estate License Act

**Johnson, Danny L.**  
(Hurst); license# 380256

Agreed revocation of broker license, fully probated for 13 months, effective December 1, 2000; soliciting and obtaining funds from a buyer to make real estate investments, failing to make such investments, failing to deposit the funds in a trust or escrow account, and then failing to return the money to the buyer upon demand, in violation of Sections 15(a)(6)(E), 15(a)(6)(V), 15(a)(6)(W), and 15(a)(6)(Y) of The Real Estate License Act and 22 TAC § 535.159 of the Rules of The Texas Real Estate Commission; payment from the Real Estate Recovery Fund of a judgment obtained against the broker, in violation Section 8(i) of The Real Estate License Act, with repayment to the Recovery Fund by the broker over a 13-month period

**Javcom, Inc.**  
(Austin); license# 329120

Agreed reprimand of broker license, entered December 4, 2000; Agreed administrative penalty of \$3,200, entered December 4, 2000; dividing commissions with a person whose license as a salesperson had expired, in violation of Section 15(a)(6)(F); establishing an association with a person whose license as a salesperson had expired, in violation of Section 15(a)(6)(S) of The Real Estate License Act

**Bond, Michael Trace**  
(Dallas); license# 351877

Agreed reprimand of broker license,

entered December 4, 2000; Agreed administrative penalty of \$200, entered December 4, 2000; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Espinar, Louis Michael**  
(San Antonio); license# 382764

Agreed reprimand of salesperson license, entered December 4, 2000; Agreed administrative penalty of \$200, entered December 4, 2000; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Miller, Allan Noah**  
(Bertram); license# 154666

Agreed reprimand of broker license, entered December 7, 2000; Agreed administrative penalty of \$250, entered December 7, 2000; acting negligently or incompetently by failing to obtain the written consent from each party to act as an intermediary, failing to properly fill in a sales contract, and failing to use a Texas Real Estate Commission promulgated form to show the amended agreement between the parties, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Wallace, David L.**  
(Corpus Christi); license# 359579

Agreed reprimand of broker license, entered December 15, 2000; acting negligently or incompetently by failing to advise client to request mediation or discuss questions regarding an earnest money dispute with an attorney, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Zicaro, Ann Katherine**  
(Dallas); license# 447430

Agreed reprimand of salesperson license, entered December 15, 2000; Agreed administrative penalty of \$200, entered December 15, 2000; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the rules of the Texas Real Estate Commission

**Casas, Kathleen Anne**  
(Brownsville); license# 298772

Agreed reprimand of salesperson license, entered December 19, 2000; Agreed administrative penalty of \$200, entered December 19, 2000; failing to pay within the 60-day period the \$200 fee required by 22 TAC Section 535.92 (f) of the Rules of the Texas Real Estate Commission

**Grubb & Ellis Company**  
(Houston); license# 420423

Agreed reprimand of broker license, entered December 27, 2000; Agreed administrative penalty of \$250, entered December 27, 2000; offering real property for sale without the knowledge and consent of the owner or the owner's authorized agent, in violation of Section 15(a)(6)(O) of The Real Estate License Act

**Collins, Thomas Jerry**  
(Houston); license# 107585

Agreed reprimand of broker license, entered December 27, 2000; Agreed administrative penalty of \$250, entered December 27, 2000; offering real property for sale without the knowledge and consent of the owner or the owner's authorized agent, in violation of Section 15(a)(6)(O) of The Real Estate License Act

**Edmundson, Jesse Wright**  
(Houston); license# 136942

Agreed reprimand of broker license, entered December 27, 2000; Agreed



administrative penalty of \$250, entered December 27, 2000; offering real property for sale without the knowledge and consent of the owner or the owner's authorized agent, in violation of Section 15(a)(6)(O) of The Real Estate License Act

**Woelfel, Stanley Rudy, Jr.**  
(Houston); license# 340792

Revocation of broker license, effective December 29, 2000; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of The Real Estate License Act

**Carter, Nancy Ann**  
(Dallas); license# 440059

Revocation of salesperson license, effective January 2, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Boluch, Charlie Frances**  
(Fort Worth); license# 248763

Revocation of salesperson license, effective January 2, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Saucedo, Manuel R.**  
(Corpus Christi); license# 302508

Agreed reprimand of salesperson license, entered January 9, 2001; acting negligently and incompetently by failing to tender his client's option fee and further failing to advise his client to request mediation or discuss an earnest money dispute with an attorney, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Holder, Marsha Vaden**  
(Azle); license# 400886

Agreed 3 month suspension of salesperson license, fully probated for 1 year, effective January 12, 2001; representing in the MLS listing information and to the buyer that the house on a seller's property was 3,980 square feet in dimension and located on two acres, when in fact the house was 3,585 square feet in dimension and located on seven tenths (.70) of one acre, thereby acting negligently and incompetently, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Angelina College**  
(Lufkin); license#

Agreed reprimand of Mandatory Continuing Education Provider approval, entered January 17, 2001; failing to ensure that no student is certified for MCE credit who has not attended all class sessions, in violation of 22 TAC Section 535.72(c); failing to make required pre-course announcements, in violation of 22 TAC Section 535.72(f) (now found at 22 TAC Section 535.72(e)); failing to adequately monitor student attendance and failing to provide students the full amount of instruction time required for the number of MCE credit hours awarded, in violation of 22 TAC Section 535.72(k) (now found at 22 TAC Section 535.72(j)) of the Rules of the Texas Real Estate Commission

**Mayfield, Darrell Wayne**  
(Houston); license# 255883

45 day suspension of broker license, effective January 22, 2001; failing to make regular accountings to a property owner and failing within a reasonable time to withdraw from his property management account money of which he had acquired ownership, in violation

of Section 15(a)(6)(E); failing to maintain and render to a property owner adequate records of money collected during his management of the owner's rental property and failing to be accessible to answer the owner's questions concerning the rental property, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Aitken, Laura Jane**  
(Hubbard); license# 316003

Revocation of salesperson license, effective January 22, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Zicaro, Ann Katherine**  
(Dallas); license# 447430

Revocation of salesperson license, effective January 22, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Molloy, William Anthony**  
(Amarillo); license# 462990

Agreed 2 year and 4 month fully probated suspension of salesperson license, effective January 31, 2001; failing to disclose a criminal conviction on a license application in violation of Section 15(a)(2) of The Real Estate License Act

**Gimpel, Duncan Clark, Jr.**  
(Jasper); license#

Agreed reprimand of Mandatory Continuing Education Instructor approval, entered January 22, 2001; aiding or abetting a person to circumvent requirements for attendance, in violation of 22 TAC Section 535.73(d) (3) (now found at 22 TAC Section 535.73(e)(3)) of the Rules of the Texas Real Estate Commission

**Lattimer, Daniel Greenfield**  
(Houston); license# 453234

Agreed reprimand of broker license, entered February 1, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate broker license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Crain, Daniel Ray**  
(Dallas); license# 331766

Agreed reprimand of broker license, entered February 1, 2001; Agreed administrative penalty of \$200.00, entered February 1, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Ramon, Joe H.**  
(McAllen); license# 194244

30-day fully probated suspension of broker license, effective February 5, 2001; acting negligently or incompetently by failing to provide materials and information to the buyer which would have alerted the buyer to consult an attorney or allowed greater consideration of the impact of relying on informal agreements in 2 violations of Section 15(a)(6)(W); including an unlicensed corporation as a broker in a sales transaction, causing a commission to be paid to that corporation and establishing an association with that corporation in violation of Section 1(b), Section 15(a)(6)(F) and Section 15(a)(6)(S) of The Real Estate License Act

**Gutierrez, Frances Parra**  
(Houston); license# 205931

Revocation of salesperson license, effective February 5, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee

within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Bennett, Glenda**  
(Portland); license# 383058

Revocation of salesperson license, effective February 5, 2001; failing to provide information to the Commission in response to the Commission's request for same in connection with an application for renewal of real estate salesperson license, in violation of 22 TAC Section 535.91(a) of the Rules of the Texas Real Estate Commission

**Karch, Brenda Schechter**  
(El Paso); license# 308099

Agreed 1 month suspension of broker license, probated for 6 months, effective February 9, 2001; Agreed administrative penalty of \$500.00, entered February 5, 2001; acting negligently or incompetently by permitting the buyer temporary possession of a property prior to closing without the authorization of the seller although she believed it was in the best interest of the seller, in violation of Section 15(a)(6)(W) of The Real Estate License Act

**Kim, Dong Soo**  
(Killeen); license# 385456

Agreed 6 month suspension of salesperson license, probated for 1 year, effective February 19, 2001; Agreed administrative penalty of \$500.00, entered February 6, 2001; engaging in misrepresentation, dishonest or fraudulent action when selling property in his own name by failing to disclose flooding problems on forms which provided such information should be disclosed in writing, in violation of Section 15(a)(3) of The Real Estate License Act

**McKendrick, Stephen Alexander**  
(San Antonio); license# 462865

Revocation of salesperson license, effective February 20, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Lawrence, Walter Eugene**  
(Dallas); license# 85604

Revocation of broker license, effective February 20, 2001; failing within a reasonable time to make good a check issued to the Commission and to pay the processing fee, in violation of Section 15(a)(4) of The Real Estate License Act

**McCarty, Paul Melvin**  
(Austin); license# 174535

Agreed reprimand of broker license, entered February 21, 2001; Agreed administrative penalty of \$200.00, entered February 21, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Vowell, Glenda Jo**  
(Valley View); license# 156336

Agreed reprimand of salesperson license, entered February 22, 2001; Agreed administrative penalty of \$200.00, entered February 22, 2001; failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

**Hicks, Ben Dick**  
(Grand Prairie); license# 401092

Agreed reprimand of salesperson license, entered February 26, 2001; Agreed administrative penalty of \$200.00, entered February 26, 2001; failing to complete mandatory continuing education hours within the 60-day period provided by 22 TAC Section 535.92(f) of the Rules of the Texas Real Estate Commission

## Calendar of Events

### Commission Meetings:

April 23, 2001  
June 11, 2001  
July 16, 2001

### Broker-Lawyer Committee Meetings:

April 5-6, 2001

### Web site:

<http://www.trec.state.tx.us>

### Phone

(800) 250-TREC (8732)  
or  
(512) 459-6544

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## INSPECTORS NAMED TO TEXAS REAL ESTATE INSPECTOR COMMITTEE

(Continued from page 1)

residential real estate business.

John L. Cahill is President of Cahill Inspection Services of Plano and has been licensed as a home inspector since 1986. He has taught home inspection and structural pest courses in several states. He is an active member of TAREI and the American Society of Home Inspectors.

T. J. Rowles of Brownsville brings to the committee several years experience as a home builder and served as President of the Cameron County Builders Association. For six years he was a member of the City of Brownsville Building and Standards Committee. Licensed as an inspector since 1987, he is the owner of The House Detective in Brownsville.

Returning for another two years on the committee is Allan MacGillivray of Del Rio. Licensed since 1985, MacGillivray is owner of Amistad Inspection Service and a past president of TAREI. He has served on the Inspector Committee since 1995.

## LICENSEES TO USE NEW ONE-PAGE FORMS

Effective April 1, 2001, three contract forms promulgated by TREC for use by its licensees are being replaced by new versions developed by the Texas Real Estate Broker-Lawyer Committee. The new forms are the Amendment, TREC No. 39-2, Mediation Addendum (previously Agreement for Mediation), TREC No. 35-2, and the Seller Financing Addendum, TREC No. 26-3.

Licensees should review their forms to ensure they are using correct replacements. An incorrect version of the Seller Financing Addendum was posted on the TREC web site in January. That version has not been approved by the Commission and should not be used by licensees. The correct version of the Seller Financing Addendum begins with Paragraph A, Promissory Note. In the incorrect version, Paragraph A concerns buyer qualifications.

Licensees may obtain copies of the new forms on the TREC web site at <http://www.trec.state.tx.us>. A set of the three new forms may be obtained by mail from TREC for \$3.90, including sales tax and postage.

The Amendment form was modified to

permit its use in making a broader range of changes to the contract, to clarify that only the right of termination under the option clause is waived on acceptance of the Amendment, and to remove a restrictive heading limiting use of the form to residential resales.

The Mediation Addendum was modified to clarify that licensees are not parties to the contract, although they may use the addendum to agree to mediate a dispute with a principal.

The Seller Financing Addendum was modified for clarity to identify the parties as the buyer and seller, rather than as maker and payee of the note. The form also was rewritten to be consistent with the language used in other TREC forms.

**Renew your broker or  
salesperson license  
on-line**  
*SEE PAGE 3*

